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*Attorney for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

CUSTODIA BANK, INC., )  
                            )  
Plaintiff,              )  
                            )  
v.                        ) Civil Number: 22-cv-00125-SWS  
                            )  
FEDERAL RESERVE BOARD OF )  
GOVERNORS and FEDERAL RESERVE )  
BANK OF KANSAS CITY,     )  
                            )  
Defendants.             )

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**DECLARATION OF RYAN SCARBOROUGH IN SUPPORT OF  
PLAINTIFF CUSTODIA BANK, INC.'S OMNIBUS OPPOSITION TO THE FEDERAL RESERVE BANK OF  
KANSAS CITY'S CROSS-MOTION FOR SUMMARY JUDGMENT AND REPLY BRIEF IN SUPPORT OF  
CUSTODIA'S PETITION FOR REVIEW ON ITS APA CLAIM AND ITS MOTION FOR JUDGMENT AS A  
MATTER OF LAW ON ITS STATUTORY MANDAMUS CLAIM**

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I, Ryan Scarborough, declare as follows:

1. I am an attorney at Williams & Connolly LLP, counsel for the Plaintiff in the above-captioned action.
2. I respectfully submit this declaration in support of Plaintiff Custodia Bank, Inc's Omnibus Opposition to the Federal Reserve Bank of Kansas City's Cross-Motion for Summary Judgment and Reply Brief in Support of Custodia's Petition for Review on its APA Claim and its Motion for Judgment as a Matter of Law on its Statutory Mandamus Claim.

3. Attached hereto as Exhibit CR are Custodia Bank Inc.'s Objections to the Federal Reserve Bank of Kansas City's Counterstatement of Undisputed Facts.

4. Attached hereto as Exhibit CS is a true and accurate copy of redacted handwritten notes, dated 2021–2022, bearing a bates number that begins at FRBKC-00013891.

5. Attached hereto as Exhibit CT is a true and accurate copy of a document entitled "DRAFT Principles Covering Access to Accounts and/or Services at Federal Reserve Banks," undated, bearing a bates number that begins at FRBKC-00003607.

6. Attached hereto as Exhibit CU is a true and accurate copy of redacted handwritten notes, undated, bearing a bates number that begins at FRBKC-00013847.

7. Attached hereto as Exhibit CV is a true and accurate copy of a letter from Judith Hazen and Christi May-Oder to Esther George, dated January 19, 2023, bearing a bates number that begins at FRB-AR-000004.

8. Attached hereto as Exhibit CW is a true and accurate copy of excerpts from the deposition of Judith Hazen Vol. 2, dated November 15, 2023.

9. Attached hereto as Exhibit CX is a true and accurate copy of excerpts from the deposition of Peter Conti-Brown, dated December 14, 2023.

10. Attached hereto as Exhibit CY is a true and accurate copy of excerpts from the deposition of Zev Shimko, dated November 30, 2023.

11. Attached hereto as Exhibit CZ is a true and accurate copy of excerpts from the deposition of Christi May-Oder, dated October 19, 2023.

12. Attached hereto as Exhibit DA is a true and accurate copy of excerpts from the deposition of Esther George, dated November 9, 2023.

13. Attached hereto as Exhibit DB is a true and accurate copy of excerpts from the deposition of Judith Hazen, dated November 15, 2023.

14. Attached hereto as Exhibit DC is a true and accurate copy of excerpts from the deposition of Jackie Nugent, dated November 15, 2023.

15. Attached hereto as Exhibit DD is a true and accurate copy of excerpts from the deposition of Caitlin Long, dated November 29, 2023.

16. Attached hereto as Exhibit DE is a true and accurate copy of a document entitled “Custodia BSA/AML and OFAC Program Assessment,” dated October 4, 2022, bearing a bates number that begins at Custodia-00007043.

17. Attached hereto as Exhibit DF is a true and accurate copy of excerpts from the deposition of Katie Cox, dated December 19, 2023.

18. Attached hereto as Exhibit DG is a true and accurate copy of an email from Caitlin Long with the subject line “Re: Letter of Support for Wyoming’s SPDIs Applications for the Fed’s Master Accounts,” dated January 25, 2021, bearing a bates number that begins at Custodia-00002097.

19. Attached hereto as Exhibit DH is a true and accurate copy of the Bank Board Hearing transcript, dated October 6, 2020, bearing a bates number that begins at Custodia-00005946.

20. Attached hereto as Exhibit DI is a true and accurate copy of a letter from Caitlin Long to Esther George, dated March 3, 2022, bearing a bates number that begins at Custodia-00007978.

DATED this 16th day of February, 2024.

/s/ Ryan Scarborough

Ryan Scarborough, *pro hac vice*  
WILLIAMS & CONNOLLY, LLP  
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Washington, DC 20024  
Telephone: (202) 434-5000  
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*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served this day of February 16, 2024, addressed to:

Mark Van Der Weide  
 Joshua P. Chadwick  
 Yvonne F. Mizusawa  
 Yonatan Gelblum  
 Katherine Pomeroy  
 BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM  
 20<sup>th</sup> Street and Constitutional Avenue, N.W.  
 Washington, DC 20551

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/s/ Ryan Scarborough  
 Ryan Scarborough, *pro hac vice*